

# EXHIBIT A

**Service of Process  
Transmittal**

09/17/2012

CT Log Number 521231717

**TO:** Sheron Young, Operations Manager Legal Department  
Wal-Mart Stores, Inc.  
702 SW 8th Street  
Bentonville, AR 72716

**RE: Process Served in Virginia**

**FOR:** Wal-Mart Stores East, LP (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Rodarte Sylvia Jane, Pltf. vs. Wal-Mart Associates, Inc. and Wal-Mart Stores East, L.P., Dfts.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Summons, Complaint, Exhibit

**COURT/AGENCY:** Rockbridge County Circuit Court, VA  
Case # 163CL1200021500

**NATURE OF ACTION:** Employee Litigation - Wrongful Termination - On September 29, 2011 - False Imprisonment

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Glen Allen, VA

**DATE AND HOUR OF SERVICE:** By Process Server on 09/17/2012 at 09:30

**JURISDICTION SERVED :** Virginia

**APPEARANCE OR ANSWER DUE:** Within 21 days after service

**ATTORNEY(S) / SENDER(S):** Brian J. McNamara  
Post Office Box 741  
Lexington, VA 24450  
540-817-0903

**ACTION ITEMS:** CT has retained the current log, Retain Date: 09/17/2012, Expected Purge Date: 09/22/2012  
Image SOP  
Email Notification, Scott LaScala-CT East CLS-VerificationEast@wolterskluwer.com  
Email Notification, Sheron Young ct.lawsuits@walmartlegal.com

**SIGNED:** C T Corporation System  
**PER:** Lisa Uttech  
**ADDRESS:** 4701 Cox Road  
Suite 301  
Glen Allen, VA 23060  
**TELEPHONE:** 804-217-7255

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Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

# COMMONWEALTH OF VIRGINIA



ROCKBRIDGE CIRCUIT COURT  
Civil Division  
COURTHOUSE, 20 S. RANDOLPH ST. SUITE 101  
LEXINGTON VA  
(540) 463-2232

## Summons

To: WAL-MART STORES EAST L.P  
CT CORPORATION SYSTEM  
4701 COX ROAD  
SUITE 301  
GLEN ALLEN VA 23060

Case No. 163CL12000215-00

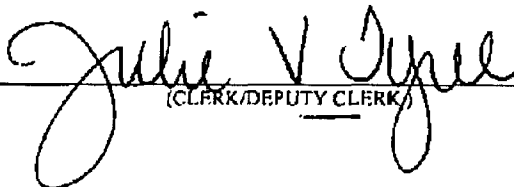
The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, September 13, 2012

Clerk of Court: D. BRUCE PATTERSON

by

  
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: MCNAMARA, BRIAN  
PO BOX 741  
LEXINGTON VA 24450

VIRGINIA:  
IN THE ROCKBRIDGE COUNTY CIRCUIT COURT

SYLVIA JANE RODARTE,  
486 Greenhill Road  
Lexington, Virginia 24450  
Plaintiff,

FILE NO: \_\_\_\_\_

v.

WAL-MART ASSOCIATES, INC.,

Serve: CT CORPORATION SYSTEM  
4701 COX RD; STE 301  
GLEN ALLEN, VA 23060-6802

and

WAL-MART STORES EAST, L.P.

Serve: CT CORPORATION SYSTEM  
4701 COX RD; STE 301  
GLEN ALLEN, VA 23060-6802

Defendants.

COMPLAINT

COMES NOW the plaintiff, Sylvia Jane Rodarte, by counsel, and files this Complaint against Wal-Mart Associates, Inc., and for cause, states as follows:

1. At all times relevant to this matter, the Plaintiff Sylvia Jane Rodarte ("Plaintiff") was a resident of the City of Lexington, Virginia.
2. At all times relevant to this matter, the Defendant, Wal-Mart Associates, Inc., ("Defendant") operated a Wal-Mart store at 1233 North Lee Highway, in the City of Lexington, Virginia (the "Lexington Wal-Mart"). In the alternative, at all times relevant to this matter, the Defendant Wal-Mart Stores East, LP, operated a Wal-Mart store at 1233 North Lee Highway, in the City of Lexington, Virginia (the "Lexington Wal-Mart").
3. Plaintiff was employed by Defendants as a cashier at the Lexington Wal-Mart beginning in November, 2000 until her employment was terminated by Wal-Mart on or about September 29, 2011.

13. Plaintiff was tried for embezzlement in the Lexington/Rockbridge Combined General District Court on or about January 20, 2012 and was found not guilty following a bench trial.

#### COUNT 1 – MALICIOUS PROSECUTION

14. Plaintiff restates Paragraphs 1-13 as if set forth fully herein.
15. The defendants' actions in providing false information to cause a criminal prosecution to be brought against the plaintiff at the Lexington Wal-Mart's instigation and with it's cooperation, were malicious and without probable cause.
16. That the criminal prosecution resulted in the criminal case against plaintiff being terminated in a manner that was not unfavorable to the plaintiff.

#### COUNT II – FALSE IMPRISONMENT

17. Plaintiff restates Paragraphs 1-16 as if set forth fully herein;
18. The defendants' actions in providing false information, so that an arrest warrant would be issued and served on the Plaintiff, caused the restraint of the plaintiff's liberty without sufficient legal cause on September 29, 2011 and again on October 6, 2011 when she was arrested;

#### COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

19. Plaintiff restates Paragraphs 1-18 as if set forth fully herein;
20. The defendant's actions in providing false information, so that an arrest warrant would be issued and served on the Plaintiff, were intentional or reckless; were outrageous and intolerable in that Defendant's actions offend against generally accepted standards of decency and morality; the Defendant's conduct caused the Plaintiff emotional distress; and Plaintiff's emotional distress was severe;

#### COUNT IV – ABUSE OF PROCESS

21. Plaintiff restates Paragraphs 1-20 as if set forth fully herein;
22. The defendant's actions in providing false information, so that an arrest warrant would be issued and served on the Plaintiff, were brought on by an ulterior purpose and were intended as acts in the use of the process not proper in the regular prosecution of the criminal proceedings against Plaintiff. Upon information and belief, the arrest warrant and subsequent criminal prosecution were brought by Defendant in an effort to intimidate Lexington Wal-Mart employees against giving out "price match" or other discounts.

#### COUNT V - DEFAMATION

23. Plaintiff restates Paragraphs 1-22 as if set forth fully herein;
24. The defendants provided false statements to the Rockbridge County Sherriff's Department, specifically informing Rockbridge County Sherriff's Deputy J.S. Sorrells that the Plaintiff had "wrongfully and fraudulently used, disposed of, concealed, or embezzled money, belonging to Wal-Mart, Inc. and having a value of less than \$200.00 which the accused received for another, or which the accused received by virtue of the accused's office, trust, or employment, or which a court, corporation, company, or another person entrusted or delivered to the accused." (See Misdemeanor Arrest Warrant, Exhibit A);
25. Defendants' statements falsely imputed to the Plaintiff a criminal act involving moral turpitude, and imputed to the Plaintiff unfitness to perform the duties of her employment of profit, or want of integrity in the discharge of the duties of her employment. Defendants' false statements also prejudiced Plaintiff in his her profession or trade.
26. Defendants' false statements led to the arrest of the Plaintiff, and to the publication of that arrest in local newspapers.

#### COUNT VI – PUNITIVE DAMAGES

27. Plaintiff restates paragraphs 1-26 as if set forth fully herein;
28. The Defendants' false statements to the Rockbridge County Sherriff's Department were made willfully, wantonly, and with actual malice toward the Plaintiff. Defendant knew that the statements made to the Rockbridge County Sherriff's Department were false, or made the false statements with a reckless disregard for the truth or falsity of the statements.

WHEREFORE, the Plaintiff, Sylvia Jane Rodarte demands Judgment against Defendant Wal-Mart Associates, Inc. and Defendant Wal-Mart Stores East, LP as follows:

- a). Compensatory damages in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$175,000.00); and
- b). Punitive damages in the amount of THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$300,000.00); and
- c). Pre-judgment and Post-judgment interest as allowed by law; and
- d). For the award of reasonable attorney's fees; and

TRIAL BY JURY IS DEMANDED

SYLVIA JANE RODARTE

By 

Of Counsel

Robert B. Armstrong, Esquire (VSB #32217)  
3 McDowell St.  
Lexington, Virginia 24450  
(540) 463-6800 - telephone  
(540) 463-6869 - facsimile

Brian J. McNamara, Esquire (VSB #44344)  
Post Office Box 741  
Lexington, Virginia 24450  
(540) 817-0903 - telephone  
(540) 463-6869 - Facsimile  
bjmcnamara13@gmail.com  
Counsel for the plaintiff

# COMMONWEALTH OF VIRGINIA

VA Code § 19.2-71, -72

Rockbridge/Lexington ☒ General District Court ☐ Criminal ☐ Traffic  
CITY OR COUNTY ☐ Juvenile and Domestic Relations District Court

## TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 09/13/2011 to 09/29/2011 did unlawfully in violation of Section 18.2-111 DAYS

18.2-111 Code of Virginia:  
wrongfully and fraudulently use, dispose of, conceal, or embezzle money, belonging to Walmart, Inc. and having a value of less than \$200.00 which the accused received for another, or which the accused received by virtue of the accused's office, trust, or employment, at which a court, corporation, company, or another person entrusted or delivered to the accused.

## WITNESS

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

Sgt. J.S. Sorrells RCSO Complainant.  
Execution by summons ☒ permitted at officer's discretion. ☐ not permitted.

10/06/2011 10:04 AM

DATE AND TIME ISSUED

Charlotte M. Worley  
CLERK ☒ MAGISTRATE ☐ JUDGE

SUMMONS (If authorized above and by serving officer)

You are hereby commanded to appear before this court located at  
20 S. Randolph St. Ste. 200 Lexington, VA 24450

on 10/06/2011 at 1:30 AM/PM

I promise to appear in accordance with this Summons and certify that my mailing address as shown at right is correct.

CORRE May be required

WARNING TO ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense.

SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

CASE NO. CL-10853

ACCUSED:

RODARTE, SYLVIA JANE

LAST NAME, FIRST NAME, MIDDLE NAME

486 GREENHILL ROAD

ADDRESS/LOCATION

LEXINGTON, VA 24450

To be completed upon service as Summons

Mailing address ☐ Same as above

RACE	SEX	BORN	NO. DAY YR	HT.	WGT.	EYES	HAIR
W	F	11/03/1949					

SSN 227-76-6731

DLI

STATE

☐ Commercial Driver's License

CLASS 1 MISDEMEANOR

☐ EXECUTED by arresting the Accused named above on this day.

☒ EXECUTED by summoning the Accused named above on this day.

☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

10/10/11 10:30 AM

DATE AND TIME OF SERVICE

SGT JS SORRELLS

9 RCSO 081

BADGE NO., AGENCY AND JURISDICTION

RW DAY

SECRET

Attorney for the Accused:

Short Offense Description (not a legal definition):

EMBEZZLEMENT: \$200

Offense Tracking Number:

163GM100003167

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

LAR-2708-M1



**VIRGINIA:**

**IN THE ROCKBRIDGE COUNTY CIRCUIT COURT**

**SYLVIA JANE RODARTE,**

**Plaintiff,**

**v.**

**WAL-MART ASSOCIATES, INC. and  
WAL-MART STORES EAST, L.P.,**

**Defendants.**

**CA No. CL12000215-00**

**CONSENT ORDER**


COMES NOW Plaintiff Sylvia Jane Rodarte, by counsel, and Defendants Wal-Mart Associates, Inc. and Wal-Mart Stores East, L.P., by counsel, and by agreement of the parties, requests this Court to grant Defendants an extension of time until October 22, 2012 to answer or otherwise respond to the Complaint in this case.

Upon consideration of Plaintiff Sylvia Jane Rodarte and Defendants Wal-Mart Associates, Inc. and Wal-Mart Stores East, L.P.'s Consent Order, it is hereby ORDERED that the parties' request for an extension of time is GRANTED.

ENTERED this \_\_\_\_ day of October, 2012.

\_\_\_\_\_  
JUDGE  
Rockbridge County Circuit Court

We ask for this:

  
\_\_\_\_\_  
Rebecca Signer. Roche (Va. Bar # 73417)  
Lindsey H. McGinnis (Va. Bar # 68423)  
Littler Mendelson, P.C.  
1650 Tysons Boulevard, Suite 700  
McLean, Virginia 22102  
Telephone: 703.442.8425  
Facsimile: 703.442.8428  
rroche@littler.com  
lmcginnis@littler.com

**ATTORNEYS FOR DEFENDANT  
WAL-MART ASSOCIATES, INC. AND WAL-MART STORES EAST, L.P.**

\_\_\_\_\_  
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**ATTORNEYS FOR PLAINTIFF  
SYLVIA JANE RODARTE**